

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(d))			Docket No. 17286-IIA(PC10762C)	
In Re Application Of: Bertrand L. Chenard, et al.				
Serial No. 10/821,526	Filing Date April 9, 2004	Examiner Unassigned	Group Art Unit Unassigned	
Title: NMDA NR2B ANTAGONISTS FOR TREATMENT				
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450				
37 CFR 1.97(b)				
1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.				
37 CFR 1.97(c)				
2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:				
<div style="margin-left: 40px;"> <input type="checkbox"/> the statement specified in 37 CFR 1.97(e); </div>				
OR				
<div style="margin-left: 40px;"> <input type="checkbox"/> the fee set forth in 37 CFR 1.17(p). </div>				

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
17286-IIA(PC10762C)

In Re Application: **Bertrand L. Chenard, et al.**

Serial No.
10/821,526

Filing Date
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Examiner
Unassigned

Group Art Unit
Unassigned

NMDA NR2B ANTAGONISTS FOR TREATMENT

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP**
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- ☐ Charge the amount of _____
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Peter I. Bernstein

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Signature

Dated: **May 24, 2004**

Peter I. Bernstein

Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER

400 Garden City Plaza

Garden City, NY 11530

(516)742-4343

PIB/RLB:nis

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bertrand L. Chenard, et al.

Examiner: Unassigned

Serial No: 10/821,526

Art Unit: Unassigned

Filed: April 9, 2004

Docket: 17286-IIA (PC10762C)

For: NMDA NR2B ANTAGONISTS
FOR TREATMENT

Dated: May 24, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 23313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

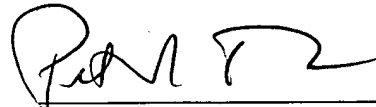
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. European Patent Application No. EP 0 768 086A1, published April 16, 1997;
2. International Publication No. WO 97/23458, published July 3, 1997;
3. International Publication No. WO 97/23202, published July 3, 1997;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on May 24, 2004.

Dated: May 24, 2004


Peter I. Bernstein

4. International Publication No. WO 97/23214, published July 3, 1997;
5. International Publication No. WO 97/23215, published July 3, 1997;
6. International Publication No. WO 97/23216, published July 3, 1997;
7. International Publication No. WO 97/07098, published February 27, 1997;
8. Menniti, F., et al., "CP-101,606, a potent neuroprotectant selective for forebrain neurons", European Journal of Pharmacology, 331(2-3): 117-126 (1997);
9. Menniti, F., et al., "CP-101,606, an NR2B subunit selective NMDA receptor antagonist, inhibits NMDA and injury induced *c-fos* expression and cortical spreading depression in rodents", Neuropharmacology, 39: 1147-1155 (2000);
10. International Publication No. WO 00/00197, published January 6, 2000;
11. Kapin, M.A., et al., "Neuroprotective Effects of Eliprodil in Retinal Excitotoxicity and Ischemia", Investigative Ophthalmology & Visual Science, 40(6): 1177-1182 (1999);
12. International Publication No. WO 99/44610, published September 10, 1999;
13. International Publication No. WO 99/44640, published September 10, 1999;
14. European Patent Application No. EP 0 787 493A1, published August 6, 1997;
15. U.S. Patent Application Publication No. 2001/0007872A1, published July 12, 2001 to Menniti, et al.;
16. U.S. Patent No. 5,710,168, dated January 20, 1998 to Chenard, et al.;
17. U.S. Patent Application Publication No. 2002/0072538 A1, published June 13, 2002 to Chenard, et al.;
18. European Patent Application No. EP 1 199 068 A2, published April 24, 2002;
19. Australian Patent Application No. 2001/77304 A1, published April 11, 2002;

20. Canadian Patent Application No. 2 357 929 A1, published April 2, 2002;
21. Parsons, C.G., et al., "Glutamate in CNS Disorders as a Target for Drug Development: An Update", Drug News Perspect, 11(9): 523-569 (1998);
22. Tamiz, A.P., et al., "Structure-Activity Relationships for a Series of Bis(phenylalkyl)amines: Potent Subtype-Selective Inhibitors of *N*-Methyl-D-aspartate Receptors", J. Med. Chem. 41: 3499-3506 (1998);
23. Taniguchi, K. et al., "Antinociceptive activity of CP-101-606, an NMDA receptor NR2B subunit antagonist", British Journal of Pharmacology, 122: 809-812 (1997);
24. Boyce, S., et al., "Selective NMDA NR2B antagonists induce antinociception without motor dysfunction: correlation with restricted localisation of NR2B subunit in dorsal horn", Neuropharmacology, 38: 611-623 (1999);
25. Albin, R.L., et al., "Autoradiographic localization of inhibitory and excitatory amino acid neurotransmitter receptors in human normal and olivopontocerebellar atrophy cerebellar cortex", Brain Research, 522: 37-45 (1990);
26. Lagreze, W.A., et al., "*N*-methyl-D-aspartate receptor subunit mRNA expression in human retinal ganglion cells", Graefe's Arch Clin Exp Ophthalmol, 238: 486-490 (2000);
27. Dreyer, E.B., et al., "Greater sensitivity of larger retinal ganglion cells to NMDA-mediated cell death", NeuroReport, 5(3): 629-631 (1994);
28. Chenard, B.L., et al., "(1*S*,2*S*)-1-(4-Hydroxyphenyl)-2-(4-hydroxy-4-phenylpiperidino)-1-propanol: A Potent New Neuroprotectant Which Blocks *N*-Methyl-D-aspartate Responses", J. Med. Chem., 38: 3138-3145 (1995);
29. Menniti, F.S., et al., "CP-101,606: An NR2B-Selective NMDA Receptor Antagonist", CNS Drug Reviews, 4(4): 307-322 (1998);
30. Hironaka, N., et al., "Effects of *N*-methyl -D-aspartate receptor subunit antagonists on regulation of susceptibility to audiogenic seizures in rats", Neuroscience Letters, 288(2): 139-142 (2000); and
31. Butler, T.W., et al., "(3*R*,4*S*)-3-[4-(4-Fluorophenyl)-4-hydroxypiperidin-1-yl]chroman-4,7-diol: A Conformationally Restricted Analogue of the NR2B Subtype-Selective NMDA Antagonist (1*S*,2*S*)-1-(4-Hydroxyphenyl)-2-(4-hydroxy-4-phenylpiperidino)-1-propanol", J. Med. Chem., 41: 1172-1184 (1998).

The references were cited in an Office Action dated March 23, 2004 received in a related U.S. Patent Application, namely U.S. 09/969,317. Applicants are submitting copies of the above-cited foreign references. However, in accordance with the waiver of 37 C.F.R. §1.98 (a)(2)(i), (per 1276 OG 55, August 5, 2003), applicants are not required to submit copies of the above-cited U.S. Patents.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB/RLB:nis

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <div style="border: 1px solid black; border-radius: 50%; padding: 10px; width: 100px; float: left; margin-right: 10px;"> USE MAY 26 2004 PATENT & TRADEMARK OFFICE </div> <i>Use several sheets if necessary</i>		Atty. Docket No. (Optional) 17286-IIA(PC10762C)	Application Number 10/821,526				
		Applicant(s) Bertrand L. Chenard, et al.					
		Filing Date April 9, 2004	Group Art Unit Unassigned				
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA	2001/0007872A1	07/12/01	Menniti, et al.			
	AB	5,710,168	01/20/98	Chenard, et al.			
	AC	2002/0072538 A1	06/13/02	Chenard, et al.			
	AD						
	AE						
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
		EP 0 768 086A1	04/16/97	EPO			YES NO
		WO 97/23458	07/03/97	PCT			
		WO 97/23202	07/03/97	PCT			
		WO 97/23214	07/03/97	PCT			
		WO 97/23215	07/03/97	PCT			
		WO 97/23216	07/03/97	PCT			
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
		Menniti, F., et al., "CP-101,606, a potent neuroprotectant selective for forebrain neurons", <u>European Journal of Pharmacology</u> , 331(2-3): 117-126 (1997)					
		Menniti, F., et al., "CP-101,606, an NR2B subunit selective NMDA receptor antagonist, inhibits NMDA and injury induced <i>c-fos</i> expression and cortical spreading depression in rodents", <u>Neuropharmacology</u> , 39: 1147-1155 (2000)					
		Kapin, M.A., et al., "Neuroprotective Effects of Eliprodil in Retinal Excitotoxicity and Ischemia", <u>Investigative Ophthalmology & Visual Science</u> , 40(6): 1177-1182 (1999)					
EXAMINER				DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
		WO 97/07098	02/27/97	PCT			YES	NO
		WO 00/00197	01/06/00	PCT				
		WO 99/44610	09/10/99	PCT				
		WO 99/44640	09/10/99	PCT				
		EP 0 787 493A1	08/06/97	EPO				
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
		Parsons, C.G., et al., "Glutamate in CNS Disorders as a Target for Drug Development: An Update", <u>Drug News Perspect</u> , 11(9): 523-569 (1998)						
		Tamiz, A.P., et al., "Structure-Activity Relationships for a Series of Bis(phenylalkyl)amines: Potent Subtype-Selective Inhibitors of N-Methyl-D-aspartate Receptors", <u>J. Med. Chem.</u> 41: 3499-3506 (1998)						
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FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
		EP 1 199 068A2	04/24/02	EPO			YES NO
		2001/77304A1	04/11/02	Australia			
		2 357 929A1	04/02/02	Canada			
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
		Taniguchi, K., et al., "Antinociceptive activity of CP-101-606, an NMDA receptor NR2B subunit antagonist", <u>British Journal of Pharmacology</u> , 122: 809-812 (1997)					
		Boyce, S., et al., "Selective NMDA NR2B antagonists induce antinociception without motor dysfunction: correlation with restricted localisation of NR2B subunit in dorsal horn", <u>Neuropharmacology</u> , 38: 611-623 (1999)					
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		Lagreze, W.A., et al., " <i>N</i> -methyl-D-aspartate receptor subunit mRNA expression in human retinal ganglion cells", <u>Graefe's Arch Clin Exp Ophthalmol</u> , 238: 486-490 (2000)					
		Dreyer, E.B., et al., "Greater sensitivity of larger retinal ganglion cells to NMDA-mediated cell death", <u>NeuroReport</u> , 5: 629-631 (1994)					
		Chenard, B.L., et al., "(1 <i>S</i> ,2 <i>S</i>)-1-(4-Hydroxyphenyl)-2-(4-hydroxy-4-phenylpiperidino)-1-propanol: A Potent New Neuroprotectant Which Blocks <i>N</i> -Methyl-D-aspartate Responses", <u>J. Med. Chem.</u> , 38: 3138-3145 (1995)					
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(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)***Atty. Docket No. (Optional)**

17286-IIA(PC10762A)

Application Number

10/821,526

Applicant(s)

Bertrand L. Chenard, et al.

Filing Date

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Group Art Unit

Unassigned

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	AA						
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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

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		Menniti, F.S., et al., "CP-101,606: An NR2B-Selective NMDA Receptor Antagonist", <u>CNS Drug Reviews</u> , 4: 307-322 (1998)
		Hironaka, N., et al., "Effects of N-methyl-D-aspartate receptor subunit antagonists on regulation of susceptibility to audiogenic seizures in rats", <u>Neuroscience Letters</u> , 288(2): 139-142 (2000)
		Butler, T.W., et al., "(3R,4S)-3-[4-(4-Fluorophenyl)-4-hydroxypiperidin-1-yl]chroman-4,7-diol: A Conformationally Restricted Analogue of the NR2B Subtype-Selective NMDA Antagonist (1S,2S)-1-(4-Hydroxyphenyl)-1-(4-hydroxy-4-phenylpiperidino)-1-propanol", <u>J. Med. Chem.</u> , 41: 1172-1184 (1998)

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